

**DOCKET IN
ALL CASES
(SEE SCHEDULE A)**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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ALL RNC CASES CONSOLIDATED FOR
DISCOVERY BEFORE THE HONORABLE
JAMES C. FRANCIS, IV, U.S.M.J.
(See Schedule "A" annexed hereto)

PROTECTIVE ORDER

Docket Nos.: See Schedule A

x

04CIV7922

WHEREAS, annexed hereto as Schedule "A" is a list of cases consolidated for discovery in the Southern District Court of New York before The Honorable James C. Francis, IV, United States Magistrate Judge, arising out of arrests made during the time of the Republican National Convention (the "RNC Cases");

WHEREAS, the defendants ("Defendants") and plaintiffs ("Plaintiffs") in the RNC Cases are hereinafter referred to collectively as "the Parties";

WHEREAS, in the RNC cases, Defendants have served a third party subpoena *duces tecum* pursuant to Rule 45 Fed.R.Civ.P. on the National Lawyers Guild, New York City Chapter ("NLG-NYC") requesting production of, *inter alia*, "any and all videos and photographs concerning demonstrations, protests, marches, parades, bicyclists and/or arrests in New York City from August 26, 2004 through September 4, 200[4];"

WHEREAS, the NLG-NYC has objected to disclosure on First Amendment grounds and the Defendants have stated that it will move to compel compliance;

WHEREAS, the NLG-NYC and the Defendants desire to resolve the issue without further litigation and without conceding the merits of any legal claims;

NOW IT IS HEREBY ORDERED that the NLG-NYC shall produce all photographs and videos falling within the scope of the subpoena subject to the following Protective Order:

1. Scope of Disclosure: The photographs and videos may be viewed by the Parties in the RNC Cases, counsel for the Parties in the RNC Cases, the staff of their respective law offices, and the experts retained by the Parties. Each such individual shall be provided a copy of this Protective Order for his or her review. Counsel for the Parties hereby acknowledge their responsibility for the conduct of any lawyers and any non-lawyers permitted by them to view the photographs and/or videos to comply with the terms of this order;

2. One Permissible Purpose: The Parties' counsel and any others who may gain access to the photographs and/or videos through the Parties' counsel shall not use them for any purpose other than to prosecute and/or defend one or more of the RNC Cases. The photographs and videos shall not be made part of the Parties' files and shall be returned to counsel and/or destroyed at the conclusion of the litigation in accordance with paragraph 4 *infra*.

3. Filing Under Seal: If the photographs and/or videos are filed with the Court, such materials shall be delivered to the Court in a sealed envelope bearing the caption of the action(s), an indication of the nature of the contents and the following legend:

CONFIDENTIAL

This envelope contains documents or information designated confidential pursuant to an order entered by the United States District Court for the Southern District of New York in the above-captioned action.

This envelope shall not be opened or unsealed without the express direction of a Judge of this Court, and its contents shall not be displayed or revealed except as the Court may order. This envelope and its contents shall at all times be maintained separate and apart from the publicly available files in this case.

4. Return Affidavit Court Record Sealed: Within 30 days of the termination of the last remaining RNC Case (and the termination of any appeal or right to appeal) in which the photographs and/or videos were produced, the photographs and/or videos, the CDs and or DVDs on which they are maintained, any hard-copies printed, shall be destroyed or returned to the NLG-NYC. Any photographs and/or videos downloaded onto computer drives shall be deleted. Counsel shall, by affidavit furnished to counsel for the NLG-NYC, contemporaneously verify that all such materials have been returned to the NLG-NYC and/or destroyed. In addition, the Court record incorporating such materials shall remain sealed.

5. Compliance: Neither the Defendants nor their counsel in the RNC Cases shall be responsible for non-compliance by other individuals, including the Plaintiffs, their counsel, the staff of their respective law offices, and the experts retained by said individuals. The Defendants shall be responsible solely for their own compliance and that of their counsel, the staff of their respective law offices and the experts retained by said individuals.

6. Violation: Failure to comply with any of the foregoing provisions is a violation of this Court's order and may subject the violator(s) to any sanction deemed appropriate by the Court.

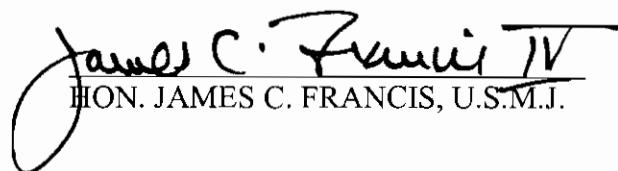
7. Modification: This protective order may be modified only upon a

showing of good cause.

8. Subsequent Cases: The NLG-NYC consents to this order being entered in any action subsequently filed and consolidated for discovery before The Honorable James C. Francis, IV, as related to the RNC Cases.

Dated: New York, New York
October 20, 2006

SO ORDERED:



HON. JAMES C. FRANCIS, U.S.M.J.

SCHEDULE A

1. Abdell, et al v. The City of New York 05CV8453(KMK)(JCF)
2. Adams, et al v. The City of New York 05CV9484(KMK)(JCF)
3. Albertson v. The City of New York 05CV7692(KMK)(JCF)
4. Alexander v. The City of New York 05CV9886(KMK)(JCF)
5. Aloisio et al v. The City of New York 05CV9737(KMK)(JCF)
6. Alpert et al v. The City of New York 05CV9740(KMK)(JCF)
7. Araneda et al v. The City of New York 05CV9738(KMK)(JCF)
8. Banno v. The City of New York 06CV2270(KMK)(JCF)
9. Bastidas, et al v. The City of New York 05CV7670(KMK)(JCF)
10. Bell v. The City of New York 05CV3705(KMK)(JCF)
11. Biddle, et al v. The City of New York 05CV1570(KMK)(JCF)
12. Black v. The City of New York 05CV3616(KMK)(JCF)
13. Botbol, et al v. The City of New York 05CV1572(KMK)(JCF)
14. Bunim et al v. The City of New York 05CV1562(KMK)(JCF)
15. Burns v. The City of New York 05CV1573(KMK)(JCF)
16. Carney, et al v. The City of New York 05CV7672(KMK)(JCF)
17. Carranza v. The City of New York 05CV10010(KMK)(JCF)
18. Coburn et al v. The City of New York 05CV7623(KMK)(JCF)
19. Cohen v. The City of New York 05CV6780(KMK)(JCF)
20. Concepcion v. The City of New York 05CV8501(KMK)(JCF)
21. Conley v. The City of New York 05CV10024(KMK)(JCF)
22. Cooper v. The City of New York 05CV7576(KMK)(JCF)
23. Crotty, et al v. The City of New York 05CV7577(KMK)(JCF)
24. Dinler, et al v. The City of New York 04CV7921(KMK)(JCF)

25. Dolak, et al v. The City of New York 05CV9884(KMK)(JCF)
26. Drescher v. The City of New York 05CV7541(KMK)(JCF)
27. Dudek et al v. The City of New York 04CV10178(KMK)(JCF)
28. Dunlop v. The City of New York 06CV0433(KMK)(JCF)
29. Eastwood et al v. The City of New York 05CV9483(KMK)(JCF)
30. Emmer v. The City of New York 05CV9993(KMK)(JCF)
31. Fox v. The City of New York 05CV9999(KMK)(JCF)
32. Galitzer v. The City of New York 05CV7669(KMK)(JCF)
33. Garbini, et al v. The City of New York 05CV1565(KMK)(JCF)
34. Greenwald et al v. The City of New York 05CV1566(KMK)JCF)
35. Grisham v. The City of New York 05CV8434(KMK)(JCF)
36. Grosso v. The City of New York 05CV5080(KMK)(JCF)
37. Hershey-Wilson v. The City of New York 05CV7026(KMK)(JCF)
38. Huffman, et al. v. The City of New York 05CV7671(KMK)(JCF)
39. Jarick v. The City of New York 05CV7626(KMK)(JCF)
40. Kahl, et al v. The City of New York 05CV9885(KMK)(JCF)
41. Kalra, et al v. The City of New York 05CV1563(KMK)(JCF)
42. Karlin v. The City of New York 05CV7789(KMK)(JCF)
43. Kyne, et al v. The City of New York 06CV2041(KMK)JCF)
44. Lalier, et al v. The City of New York 05CV7580(KMK)(JCF)
45. Lee v. The City of New York 05CV5528(KMK)(JCF)
46. Macnamara, et al v. The City of New York 04CV9216(KMK)(JCF)
47. Marcavage, et al v. The City of New York 05CV4949(KMK)(JCF)
48. Martini v. The City of New York 05CV9881(KMK)(JCF)
49. Meehan, et al v. The City of New York 05CV5268(KMK)(JCF)

50. Miller v. The City of New York 05CV7628(KMK)(JCF)
51. Moran, et al v. The City of New York 05CV1571(KMK)(JCF)
52. Pagoda v. The City of New York 05CV7546(KMK)(JCF)
53. Phillips, et al v. The City of New York 05CV7624(KMK)(JCF)
54. Pickett, et al v. The City of New York 05CV1567(KMK)(JCF)
55. Pincus et al v. The City of New York 05CV7575(KMK)(JCF)
56. Portera v. The City of New York 05CV9985(KMK)(JCF)
57. Rankin v. The City of New York 06CV00362(KMK)(JCF)
58. Remmes v. The City of New York 05CV9940(KMK)(JCF)
59. Reuben v. The City of New York 05CV9987(KMK)(JCF)
60. Rigger v. The City of New York 05CV9882(KMK)(JCF)
61. Ryan, et al v. The City of New York 05CV1564(KMK)(JCF)
62. Scharf v. The City of New York 05CV10012(KMK)(JCF)
63. Schiller, et al v. The City of New York 04CV7922(KMK)(JCF)
64. Sikelianos v. The City of New York 05CV7673(KMK)(JCF)
65. Sloan, et al v. The City of New York 05CV7668(KMK)(JCF)
66. Smith v. The City of New York 05CV7548(KMK)(JCF)
67. Smith v. The City of New York 06CV1779(KMK)(JCF)
68. Starin v. The City of New York 05CV5152(KMK)(JCF)
69. Stark, et al v. The City of New York 05CV7579(KMK)(JCF)
70. Sutter, et al. v. The City of New York 05CV9989(KMK)(JCF)
71. Tikkun v. The City of New York 05CV9901(KMK)(JCF)
72. Tremayne, et al v. The City of New York 05CV1568(KMK)(JCF)
73. Turse v. The City of New York 05CV8562(KMK)(JCF)
74. Vallejo v. The City of New York 05CV7547(KMK)(JCF)

- 75. Wheeler v. The City of New York 05CV10016(KMK)(JCF)
- 76. Williams, et al v. The City of New York 05CV1569(KMK)(JCF)
- 77. Winkleman v. The City of New York 05CV2910(KMK)(JCF)
- 78. Zimmerman v. The City of New York 05CV8483(KMK)(JCF)